

SENATE BILL 938

By Oliver

AN ACT to amend Tennessee Code Annotated, Title 8;
Title 53 and Title 56, relative to contraceptives.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. This act is known and may be cited as the "Affordability is Access Act."

SECTION 2. Tennessee Code Annotated, Title 56, Chapter 7, Part 23, is amended by adding the following as a new section:

(a) As used in this section, "over-the-counter contraceptive" means a contraceptive drug that has been approved for use by the federal food and drug administration, and that does not require a prescription.

(b) Every individual or group health insurance policy providing coverage on an expense-incurred basis, every policy or contract issued by a hospital or medical service corporation, every individual or group service contract issued by a health maintenance organization, and every self-insured group arrangement to the extent not preempted by federal law, that is delivered, issued for delivery, or renewed in this state on or after January 1, 2024, must provide coverage for over-the-counter contraceptives for every female who is thirteen (13) years of age or older covered by such policy whether as a dependent of the policy holder or otherwise.

(c) This section does not apply to insurance coverage providing benefits for the following:

- (1) Hospital confinement indemnity;
- (2) Disability income;
- (3) Accident only;

- (4) Long-term care;
- (5) Medicare supplement;
- (6) Limited benefit health;
- (7) Specified disease indemnity;
- (8) Sickness, or bodily injury or death by accident, or both; and
- (9) Other limited benefit policies.

(d) This section does not apply to TennCare or a successor program provided for in title 71, chapter 5.

SECTION 3. This act takes effect upon becoming a law, the public welfare requiring it.